



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
 Edward L. Carver  
 Serial No.: 09/039,789  
 Filed: March 16, 1998

) Conf. No.: 9998  
 )  
 ) Group Art Unit: 1743  
 )  
 ) Examiner: A. Soderquist  
 )  
 ) Docket No. 116310.0030

For: **APPARATUS FOR MAKING A PLURALITY OF  
 REAGENT MIXTURES AND ANALYZING PARTICLE  
 DISTRIBUTIONS OF THE REAGENT MIXTURES**

RECEIVED  
 SEP 19 2003  
 TC 1700

**Mail Stop: A/F**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith for filing in connection with the above-identified patent application are the following documents:

1. A Notice of Appeal;
2. a Petition for a two-month extension of time;
3. a return receipt post card; and
4. a check of \$365.00 for payment of fees under 37 CFR §§ 1.17(a) and (b)

associated with this submission.

No claims have been added or deleted, and therefore there are no claim fees associated with this response.

No additional fee is believed to be required; however, if an additional fee or extension is required, please consider this a petition therefor, or otherwise if necessary to cover



9-25-3

A-F/1700

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P.O. Box 1450  
Alexandria, VA 22313

**CERTIFICATE OF EXPRESS MAILING**

Express Mailing Label No.: **EV336747481US**  
Date of Deposit: September 24, 2003

I hereby certify that the papers enclosed herewith: a Transmittal Letter, a Petition for a two-month extension of time; a Notice of Appeal; a check in the amount of \$365.00; and a stamped, self-addressed return postal card are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to: Mail Stop A/F, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

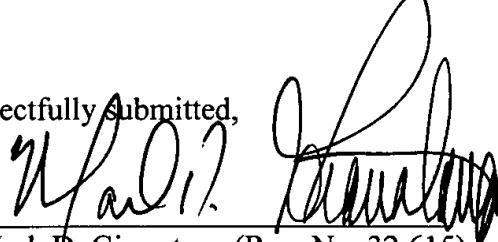
*Elizabeth M. Swift*  
Name: Elizabeth Swift

any deficiency in fees already paid, authorization is hereby given to charge our Deposit Account No. 50-1631. **A duplicate copy of this sheet is enclosed.**

Date: September 22, 2003

Respectfully submitted,

By

  
Mark D. Giarratana (Reg. No. 32,615)  
Attorney of Record

PTO Correspondence Address:

Cummings & Lockwood  
Granite Square  
700 State Street  
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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicant hereby appeals to the Board from the decisions of the Primary Examiner, mailed March 24, 2003, finally rejecting Claims 27-30, 32-35, 38 and 40-46.

The item(s) checked below are appropriate:

## 1. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is:

small entity \$160.00  
 other than a small entity \$320.00  
Notice of Appeal Fee Due: \$160.00

## 2. EXTENSION OF TERM

NOTE: *The time periods set forth in 37 CFR 1.191 are subject to the provision of §1.136 for patent applications. 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in reference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).*

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(a)  Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 400.00	\$ 205.00
<input type="checkbox"/> three months	\$ 920.00	\$ 465.00
<input type="checkbox"/> four months	\$1,440.00	\$ 725.00
<input type="checkbox"/> five months	\$1,960.00	\$ 985.00
	<b>Fee</b>	<b>\$ <u>205.00</u></b>

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured. The fee paid thereafter of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 205.00

or

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 3. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$ <u>160.00</u>
Extension fee (if any)	\$ <u>205.00</u>
<b>TOTAL FEE DUE</b>	<b>\$ <u>365.00</u></b>

#### 4. FEE PAYMENT

Attached is a check in the sum of \$ 365.00  
 Charge Account No. 50-1631 the \$ \_\_\_\_\_  
sum of

#### 5. FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

If any additional extension and/or fee is required, charge to Account No. 50-1631.

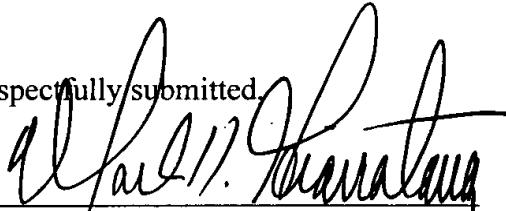
AND/OR

If any additional fee for claims is required, charge to Account No. 50-1631.

**A DUPLICATE OF THIS TRANSMITTAL IS ATTACHED.**

Date: September 22, 2003

Respectfully submitted,

By   
Mark D. Giarratana (Reg. No. 32,615)  
Attorney of Record

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